In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 485/2001
(Old No. 1878 of 1993)

Yogendra Pal Singh ……Revisionist.
Vs.
Kamal Singh Rawat ……Respondent.

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri A. Rab learned Additional Government Advocate and perused the impugned judgment dated 13-8-1993 passed by the C.J.M. Uttarkashi in criminal case no. 123/1989.

2- The revision has been preferred against the judgment of acquittal of the respondent for offence punishable under sections 409, 420, 467 I.P.C. The said accused at the relevant time on 15-6-1982 was working as an Accountant Central Consumer Cooperative Stores Limited, Uttarkashi and in his capacity as an accountant he allegedly misappropriated funds to the tune of Rs. 4,578-90. The learned C.J.M. has considered the entire evidence particularly the fact that the said accused had admitted that the money was retained by him and he had agreed to return the same at the instance of the Sub Registrar, Garhwal Mandal. The report to this effect was also submitted by the Sub-Registrar and considering this fact the learned Magistrate was of the view that when the funds were admitted the question of misappropriation of the funds did not arise and no charge was established against the said accused. The judgment is based on proper and fair appraisal of the facts of the case and the report of the Sub-Registrar and therefore there being no merit in this revision the same is hereby dismissed. Consign.

(Irshad Hussain, J.)

Dated: 07-04-2004

ISB